



# CITY OF MORGAN HILL

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17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

## CITY COUNCIL AGENDA

### REGULAR MEETING

WEDNESDAY, JULY 1, 1998

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Cynthia J. Cook Council Member Hedy L. Chang Council Member J. Robert Foster Council Member Bev E. Freeman
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**7:00 P.M.**

**CALL TO ORDER**

(Mayor Pro Tempore Cook)

**ROLL CALL ATTENDANCE**

(Deputy City Clerk Price)

**DECLARATION OF POSTING OF AGENDA**

Per Government Code 54954.2

(Deputy City Clerk Price)

**SILENT INVOCATION**

**PUBLIC SERVICE ANNOUNCEMENT**

Eric Hilding

**PLEDGE OF ALLEGIANCE**

**RECOGNITIONS**

King Martial Arts

*Participants in the California State Junior Olympics*

**CITY COUNCIL REPORT**

Council Member Foster

**CITY MANAGER'S REPORT**

*Presentation of the Government Financial Officers Association*

*Certificate of Achievement for Financial Reporting*

**CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT**

**PUBLIC COMMENTS**

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

**NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.**

***\* Staff is requesting that the Mayor take Item #14 (City Budget) before Consent Calendar due to Budget related items on the Consent calendar.***

**CONSENT CALENDAR:** The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

1. **APPROVAL OF IMPROVEMENT AGREEMENT WITH A GIFTED EDUCATION, INC. - MONTEREY STREET & JOHN WILSON WAY (APN 779-04-008)**  
**Recommended Action:** **Approve** the attached Improvement Agreement and **authorize** the City Manager to sign the agreement on behalf of the City with A Gifted Education, Inc. at Monterey Street & John Wilson Way (APN 779-04-008).
2. **APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR DUNNE/101 INTERCHANGE IMPROVEMENT PROJECT**  
**Recommended Action:** **Approve** the attached professional services contract with Mark Thomas & Company, Inc. in the amount of \$288,875.
3. **AWARD OF CONTRACT TO PROVIDE PUBLIC WORKS INSPECTION SERVICES ON AN AS-NEEDED BASIS**  
**Recommended Action:** **Approve** the attached FY 98-99 contract with Testing Engineers, Inc. (TEI) to provide public works inspection services on an as-needed basis at a not-to-exceed fee of \$75,000 and **authorize** the City Manager to execute the contract. Funds for these services come from development fees.
4. **AWARD PROFESSIONAL SERVICES CONTRACT FOR THE NORDSTROM PARK MASTER PLAN**  
**Recommended Action:** **Award** contract to Beals Landscape Architecture, Incorporated for the Nordstrom Park Master Plan in the amount of \$22,570. Action is needed to proceed with development of this park in a timely manner.
5. **APPROVAL OF PROFESSIONAL SERVICES CONTRACT FOR ENVIRONMENTAL DOCUMENT FOR THE LLAGAS PARK/POND PROJECT**  
**Recommended Action:** **Approve** the attached contract with David J. Powers and Associates for \$79,131. Action is needed to proceed with acquisition of the subject property for flood relief.
6. **AWARD OF CONTRACT TO PROVIDE PLAN CHECKING SERVICES ON AN AS-NEEDED BASIS**  
**Recommended Action:** 1) **Approve** the attached FY 98-99 contracts with Harris & Associates and Nolte & Associates to provide contract plan checking services on an as-needed basis at a not-to-exceed fee of \$45,000 and \$25,000, respectively and 2) **authorize** the City Manager to execute the contracts. Funds for these services come from development fees.

7. **FINAL MAP ACCEPTANCE FOR GREEN ACRES (TRACT 9060) AND APPROVAL OF SEWER REIMBURSEMENT WORK**  
**Recommended Action:** 1) **Approve** the final map and improvement plans, 2) **authorize** the City Manager to sign the Subdivision Improvement Agreement and Supplemental Improvement Agreement on behalf of the City, and 3) **authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.
8. **JUNE 2, 1998 SPECIAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS**  
**Recommended Action:** **Adopt** a resolution of the City Council of the City of Morgan Hill reciting the facts of the Special Municipal Election of June 5, 1998.
9. **RESOLUTION CALLING REGULAR ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 1998 AND REQUESTING THE SERVICES OF THE SANTA CLARA REGISTRAR OF VOTERS AND CONSOLIDATION OF SAID ELECTION**  
**Recommended Action:** **Adopt** resolution calling a Regular Election for November 3, 1998 for the purpose of electing one mayor for a term of two years, and two Council members for terms of four years each.
10. **APPROVAL OF REGULAR MEETING MINUTES OF JUNE 17, 1998**

**LEGALLY NOTICED PUBLIC HEARINGS:**

11. **ORDINANCE ESTABLISHING A GRAFFITI ERADICATION PROGRAM AND PROHIBITING GRAFFITI**  
(Continued from 6/17/98)  
**Recommended Action:** Request staff presentation.  
The Mayor will reconvene the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance to amend the Municipal Code by adding Chapter 8.70;  
Motion to introduce ordinance by title only.
12. **TEXT AMENDMENT - REVISION TO RESIDENTIAL DEVELOPMENT CONTROL SYSTEM (RDCS) STANDARDS AND CRITERIA. APPLICATION ZA-98-06**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action- Motion to waive the reading in full of the ordinance;  
Motion to introduce ordinance by title only.
13. **ADOPTION OF RESOLUTION CONFIRMING THE FY 98/99 ANNUAL ASSESSMENTS FOR THE FOX HOLLOW MURPHY SPRINGS ASSESSMENT DISTRICT**  
**Recommended Action:** Request staff presentation.  
The Mayor will open the Public Hearing.  
Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.  
Council discussion.  
Action - Motion to Adopt Resolution confirming the FY 98/99 annual assessments.

**OTHER BUSINESS:**

**14. 1998/99 CITY OF MORGAN HILL BUDGET**

**Recommended Action:** 1) **Approve** certain additional appropriations to the 1998/99 City of Morgan Hill Budget, as explained below and detailed in Attachment A and B and 2) **authorize** the City Manager to approve additional appropriations deemed critical to the organization through September 30, 1998 or until such time as the annual budget is adopted for Fiscal 1998/99 or 3) **approve** the Proposed 1998/99 City of Morgan Hill Budget with the requirement that a Goals Workshop be conducted and the 1998/99 Budget be modified as is appropriate following the adoption of Goals. (Budget Resolution - Attachment C)

**15. GPA 98-03: COCHRANE - MORGAN HILL DEVELOPMENT PARTNERS**

**Recommended Action:** **Review** and **provide** general input on the proposed General Plan and PUD amendment.

**16. UPDATE REPORT ON CITY COUNCIL GOALS & OBJECTIVES**

**Recommended Action:** 1) **Accept** report and 2) **Schedule** a City Council Goal Setting Workshop for Tuesday, July 14, 1998 from 8:30 a.m. - 12:00 p.m. in order to establish a framework for updated goals and objectives.

**ROLL CALL VOTE:**

The Roll Call Vote, Agenda Items #17 through #19 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

**Action -- Adopt** Ordinance by roll call vote.

**17. SECOND READING AND ADOPTION OF ORDINANCE NO. 1399, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending a development agreement to provide for an exception to loss of building allocation for application MP-97-14: San Pedro - Francisco (APN 817-59-001)

**18. SECOND READING AND ADOPTION OF ORDINANCE NOS. 1400 AND 1401, NEW SERIES**

**ORDINANCE NO. 1400 N.S.** -- An Ordinance of the City Council of the City of Morgan Hill approving Zoning Amendment, ZA-98-05: White Cloud-Oak Creek, amending the zoning of approximately 7.2 acres to include the adoption of a precise development plan for Phase III of the Oak Creek subdivision (APN 779-52-002) and

**ORDINANCE NO. 1401, N.S.** -- An ordinance of the City Council of the City of Morgan Hill, approving Development Agreement, DA-98-04 for application MP-97-20: White Cloud-Oak Creek (APN 779-52-002).

**19. SECOND READING AND ADOPTION OF ORDINANCE NO. 1402, NEW SERIES** -- An Ordinance of the City Council of the City of Morgan Hill amending a development agreement to allow modifications to Paragraph 14 and the time schedule contained in Exhibit "B" of the development agreement. The modifications are to incorporate MP-97-27: Barrett-Warmington into application DAA-96-03: Barrett-Chiri/Warmington Homes.

**FUTURE COUNCIL-INITIATED AGENDA ITEMS:**

This is an opportunity for members of the City Council to request items for future agendas.

Note: in accordance with government code section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda

**ADJOURNMENT**

**FUTURE COUNCIL AGENDA ITEMS:**

1. Review of YMCA contract (8/5/98)
2. Shopping Cart Ordinance
3. Ordinance Revising Term Expiration Dates for Commissions
4. Policy Regarding Council Appointments to Commissions
5. Franchise Agreement with Falcon Cable

**OPEN PUBLIC COMMENT PERIOD (3 MINUTES)**

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

**SPEAKER CARDS**

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. AS your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

**NOTICE**

**AMERICANS WITH DISABILITY ACT (ADA)**

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Torrez, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

**NOTICE**

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #11 through #13 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

**NOTICE**

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.